



RE: Wallace Yard and Spur Lines settlement

Lawrence, Robert

to:

Clifford Villa

07/27/2009 10:36 AM

Cc:

"Lawrence, Robert", "Wurtzler, Gail", craig.trueblood

Hide Details

From: "Lawrence, Robert" <Robert.Lawrence@dgslaw.com>

To: Clifford Villa/R10/USEPA/US@EPA,

Cc: "Lawrence, Robert" <Robert.Lawrence@dgslaw.com>, "Wurtzler, Gail" <Gail.Wurtzler@dgslaw.com>, <craig.trueblood@klgates.com>

Confidential Settlement Communication

Cliff,

Thanks for your message below. Your e-mail accurately describes the terms we have discussed. These terms, of course, are subject to UP final management review and approval.

Bob

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**From:** Villa.Clifford@epamail.epa.gov [<mailto:Villa.Clifford@epamail.epa.gov>]

**Sent:** Friday, July 24, 2009 3:41 PM

**To:** Wurtzler, Gail; Lawrence, Robert; craig.trueblood@klgates.com; SHimmelh@enrd.usdoj.gov; Darrell.Early@deq.idaho.gov

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**Subject:** Wallace Yard and Spur Lines settlement

All:

After receiving the final response from BNSF and conferring with EPA clients and with DEQ and DOJ, I believe we have a deal to support a consent decree to address the entire Wallace Yard and Spur Lines Site. The final negotiated terms are presented below:

1. ICP payment. The RRs will make one payment to the ICP trust fund for the sum of \$500,000.
2. BPRP reimbursement. For the cleanup work along the spur lines that has already completed by DEQ with EPA funding, the RRs will pay to EPA the following sums --

UPRR: \$655,094

BNSF: \$427,000

3. Spur Lines drawings. RRs provided these to EPA and DEQ this afternoon. EPA and DEQ must confirm that all work plans and drawings, for Wallace Yard, Hercules Mill, and Spur Lines, are consistent with the remedy selected through the EE/CA and Action Memo.

If there is anything that I have not captured correctly or completely , please let me know immediately. Otherwise, please reply back to confirm the terms of this agreement-in-principle. By the end of today, I will try to incorporate the terms of this deal into the last draft of the Wallace Yard and Spur Lines consent decree, dated July 10, 2009.

Thank you all for your sustained efforts to bring this matter within reach of a final settlement.

Cliff Villa  
Assistant Regional Counsel  
U.S. EPA Region 10